

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BABCOCK BORSIG POWER GmbH, )  
Plaintiff, )  
)  
)  
v. )  
)  
BABCOCK POWER, INC., )  
Defendant and Third-Party Plaintiff, )  
)  
v. )  
)  
)  
BABCOCK BORSIG, AG, )  
Third-Party Defendant. )  
\_\_\_\_\_ )

Civil Action No.: 04 CV 10825-RWZ

**ORDER**

Having considered Plaintiff Babcock Borsig Power GmbH's Motion to Compel Testimony by Rule 30(b)(6) Witness, and BPI's Response thereto, IT IS HEREBY ORDERED that:

- 1) BPI shall prepare Mr. Brantl fully to testify, and Mr. Brantl shall testify as to all matters and topics specified in the Rule 30(b)(6) notice including, without limitation, all facts gathered by Mr. Brantl as the corporate witness;
- 2) BPI shall provide all documents involving communications on or prior to November 29, 2002 between BBCC management and Hudson Investment, Inc and its representatives (Gadsby & Hannah, Attorney Stoler, Messrs. Hevrony and Miller) within seven (7) days of this Order;
- 3) Mr. Brantl shall testify fully as to all pre-November 29, 2002 communications, written or oral, involving Nathan Hevrony, Dale Miller, Attorney Jeffrey Stoler.

4) BPI shall produce to Plaintiff Babcock Borsig Power GmbH immediately all documents reviewed and used by Mr. Brantl in preparation of the Rule 30(b)(6) deposition including, without limitation, the chronology he used to refresh his recollection; and

5) BPI shall pay all costs and attorney fees incurred by Babcock Borsig Power GmbH related to the Rule 30(b)(6) deposition held on December 20, 2005;

6) BPI shall pay the Discovery Master's fees for resolving this dispute.

So Ordered:

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Hon. H. Hershfang  
Discovery Master

Dated: \_\_\_\_\_, 2006